

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VISA U.S.A. INC.,

Plaintiff,

vs.

MARITZ INC., d/b/a MARITZ
LOYALTY MARKETING,

Defendant.

Case No. CV-07-5585 JSW

**[PROPOSED] ORDER DENYING MARITZ
INC.'S EX PARTE APPLICATION TO
SHORTEN TIME OR IN THE
ALTERNATIVE FOR AN ORDER
TEMPORARILY STAYING
ARBITRATION**

Now before the Court is Defendant Maritz Inc.'s ("Maritz") *ex parte* application for an expedited hearing on its motion to stay arbitration or in the alternative for an order temporarily staying arbitration pending a hearing on the aforementioned motion. Having carefully reviewed the submissions of the Parties, and the relevant legal authority, and good cause appearing, Defendant's motion is hereby DENIED.

Maritz has failed to comply with the procedural requirements set forth in Civil Local Rule 7-10. Maritz has also failed to establish grounds justifying *ex parte* relief, in that it has not demonstrated that it will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures. *See Mission Power Eng'g Co. v. Continental Cas. Co.*, 883 F.Supp. 488, 492 (C.D. Cal. 1995).

Accordingly, the Court Orders as follows:

1 1. Maritz's *ex parte* application for an order shortening time or in the alternative to
2 temporarily stay arbitration pending a hearing on its Motion to Stay Arbitration Proceedings is
3 DENIED.

4 2. The parties will comply with the Court's Order Setting Briefing Schedule
5 previously issued on December 21, 2007.

6 IT IS SO ORDERED.

7
8 DATED: _____

Honorable Jeffrey S. White
UNITED STATES JUDGE FOR THE NORTHERN
DISTRICT OF CALIFORNIA